**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICATION NO.: 09/853,428 : FILING DATE: May 10, 2001

ART UNIT: 3739 : EXAMINER: Gibson, Roy Dean

FIRST NAMED INVENTOR: George Brainard

TITLE: Photoreceptor System for Melatonin Regulation and Phototherapy

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Honorable Commissioner for Patents  
Alexandria, VA 22313-1450

**COMMUNICATION**

Dear Sir:

1. On January 23, 2010 Applicants' Attorney attempted numerous times to file via facsimile a Fee(s) Transmittal 85B form, along with Credit Payment Form 2038 in the amount of \$1,061.00; however, the facsimile transmission would not transmit due to "poor line condition". Two of the Facsimile Transmission Verification Reports are attached and labeled "Attachment A".
2. On January 23, 2010, following the failure of the facsimile transmittal, Applicants' Attorney electronically filed the Fee(s) Transmittal form 85B, claiming small entity status, and submitted payment in the amount of \$1,055.00 for the issuance fee and publication fee for the above referenced patent application. A copy of the Electronic Acknowledgement Receipt is attached and labeled "Attachment B". A copy of the filed Fee(s) Transmittal form 85B is attached and labeled "Attachment C".
3. The Fee(s) Transmittal form 85B filed on January 23, 2010 requests an advance order of two copies of the Patent, however on January 23, 2010, Applicants' Attorney did not recognize an opportunity to pay for the advance order of two copies of the Patent via

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Communication

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the automated electronic filing system payment options.

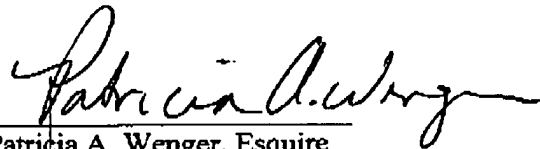
4. Currently, Applicants submit a Credit Card Form 2038 in the amount of \$6.00 to pay for the advance order of two copies of the Patent noted on the Fee(s) Transmittal form 85B filed on January 23, 2010.

5. Alternatively, if processing the current Credit Card Form 2038 in the amount of \$6.00 is too cumbersome or too untimely, Applicants rescind their request for the advance order of two copies of the Patent noted on the Fee(s) Transmittal form 85B filed on January 23, 2010.

6. If there are any questions regarding this Communication, it is urged that Applicants' Attorney be contacted directly via telephone or email.

Date: 2/8/2010

Respectfully Submitted,



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TRANSMISSION VERIFICATION REPORT

TIME : 01/23/2010 00:44

DATE, TIME	01/23 00:44
FAX NO./NAME	15712732885
DURATION	00:00:22
PAGE(S)	00
RESULT	NG
MODE	STANDARD

NG : POOR LINE CONDITION

*Attachment A*

## TRANSMISSION VERIFICATION REPORT

TIME : 01/23/2010 01:28

DATE, TIME  
FAX NO. / NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

01/23 01:27  
15712732885  
00:00:28  
00  
NG  
STANDARD

NG : POOR LINE CONDITION

*Attachment A*

Electronic Acknowledgement Receipt	
EFS ID:	6868331
Application Number:	09853428
International Application Number:	
Confirmation Number:	6772
Title of Invention:	PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY
First Named Inventor/Applicant Name:	George Brainard
Customer Number:	44321
Filer:	Patricia A. Wenger
Filer Authorized By:	
Attorney Docket Number:	BRA01-NP002
Receipt Date:	23-JAN-2010
Filing Date:	10-MAY-2001
Time Stamp:	02:15:22
Application Type:	Utility under 35 USC 111(a)

**Payment Information:**

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 1055
RAM confirmation Number	8572
Deposit Account	
Authorized User	

**File Listing:**

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (If appl.)
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1	Issue Fee Payment (PTO-85B)	onlinefeetran.pdf	2224983 12efc0c339eb298979c15a99a1a1a450e 0040c	no	1
<b>Warnings:</b>					
<b>Information:</b>					
2	Fee Worksheet (PTO-875)	fee-info.pdf	31871 0ca0085ccb771ee9a40a2d1f95b3418e0f4e 7cd	no	2
<b>Warnings:</b>					
<b>Information:</b>					
Total Files Size (in bytes):					2256854
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>          If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>          If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>          If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

Attachment B